



Flathead County Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$2030.00

APPLICANT/OWNER:

1. Name: Roman Catholic Diocese of Helena Phone: 406-442-5820 ext 40
2. Mail Address: PO Box 1729
3. City/State/Zip: Helena, MT. 59624
4. Interest in property: Owner- Owners representative - Pete McNamee

Check which applies:



Map Amendment



Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Michael W. Fraser, PE. Phone: 406-253-4326
Mailing Address: 690 North Meridian, Suite 103
City, State, Zip: Kalispell, MT 59901
Email: mfraser@montanasky.net

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?

A request to amend the Bigfork Zoning Map for the parcel owned by the Catholic Church from AG-40 and AG-20 to AG-20, on the westerly portion and SAG-5 on the easterly portion.

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 195 Coverdell Road
- B. Legal Description: Tract 4, Parcel A of COS 12910
(Lot/Block of Subdivision or Tract #)
- 13 - T27N - R20W
Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: 41.00
- D. Zoning District: Bigfork
- E. The present zoning of the above property is: AG-40 and AG-20
- F. The proposed zoning of the above property is: AG-20 and SAG-5

G. State the changed or changing conditions that make the proposed amendment necessary: _____

~~SEE THE ATTACHED DETAILED DISCUSSION AND RESPONSES TO SECTION G AND CRITERIA.~~

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?



The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.



 Owner/Applicant Signature(s)

7/18/2011

 Date

ATTACHMENT TO DIOCESE OF HELENA ZONE CHANGE REQUEST

- G. State the changed or changing conditions that make the proposed amendment necessary: The area is in a transition area of larger agricultural tracts to smaller suburban agricultural parcels. Both the AG-20 and SAG-5 are consistent with zoning in the surrounding area. The Church has been approached by William Dale to acquire a lease for five acres for the construction of a community residential facility. This zone change is for a designation of AG-20 for the Church, offices and rectory, the westerly 20 acres. The remaining property would be SAG-5. When the SAG-5 zoning is approved a Planning Unit Development application would be prepared for the residential facility.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. BELOW ARE DETAILED RESPONSES AND EXPLANATIONS FOR EACH CRITERIA FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/ Neighborhood Plan?

The Bigfork Land Use Plan was adopted June 2, 2009 by the Flathead County Commissioners. The Bigfork Plan is part of the County Growth Policy.

The Bigfork Land Use Plan, Map 10, Future Land Use Map, designates the area as agricultural. The AG-20 is intended "to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment." The Church is allowed as a Conditional Use. A Conditional Use Permit was approved prior to construction. This requested change does not alter the approval for this use. A SAG-5 zone is "to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, ..." The Zoning Map shows extensive areas of SAG-5 east of this requested change. Even though the proposed SAG-5 is separated from the larger area by a thin strip of AG-20, this request is an extension of the existing SAG-5 zone. The proposed zone change is in accordance with the Bigfork Land Use Plan and Future and Use Map.

The Bigfork Land Use Plan contains eight sections. Each section evaluates the current conditions and provides a summary of Goals and Policy's to guide development. The proposed Amendment is in accordance with the Goals and Policies of the Bigfork Land Use Plan. Follows is a brief discussion of this zoning amendments compliance with the plan.

RECEIVED

JUL 18 2011

FLATHEAD COUNTY
PLANNING & ZONING OFFICE

Part I- The Bigfork Vision

Goal 7. Promote quality development and protection of natural surroundings at all economic levels. The requested change limits lot sizes to not less than five acres. A five acre parcel is intended

to maintain the agricultural character of the area by limiting the intensity of development. Permitted uses of the zone encourage uses appropriate the parcel size. The change will encourage quality development suitable for the parcel size. The natural surroundings will be protected by limiting parcel size, uses and lot coverage.

Part II- Population and Economics

Goal G.2 Support growth and development in the Bigfork Planning Area (BPA) in a way that protects the character of the area and its natural resources.

Policy 2.1 Encourage open space conservation to maintain the rural character of the BPA and protect resource quality and wildlife habitat. The requested change limits parcel size to not less than five acres and limits permitted uses. Open space will be preserved by limiting parcel size and the intensity of use. Currently the land is second growth grass as revegetation following small grain production. The grass cover provides habitat for bird's and small mammals. At maximum build out four homes could be constructed. Most of the area would remain untouched. The requested change would not significantly alter the open space or wildlife habitat.

Part III- Housing

Goal G.8 Encourage housing that maintains traditional development patterns while protecting property values and natural resources.

Policy P.8.2 Encourage lot size configuration in rural areas that promote open space and scenic views while maintaining the character of these areas and supporting agricultural operations. The zoning map shows large areas immediately adjoining the subject parcel with zoned SAG-5, smaller areas zoned SAG-10 and AG-20 and limited areas zoned AG-40. A change to AG-20 and SAG-5 is consistent with the current development patterns in the area. Immediately south of the southwest corner is an area of B-3 zoning. The SAG-5 would provide a buffer to the more intensive zoning. The lot size limitations of the zone would preserve the rural character and encourage agricultural activities suitable for smaller acreages.

Part V- Land Use and Natural Resources

Goal G.17 Accommodate increased growth through development that harmonizes with and enhances the natural environment, and protects the wildlife habitat.

Policy P.17.1 Development should be located to maximize the advantage taken of existing infrastructure and minimize the demand for additional infrastructure, such as roads or road improvements, and expansion of utilities. The subject 41 acres is currently fallow.



In the past the area was farmed. The zone change to AG-20 and SAG-5 would preserve the open space around the Church facilities and allow a more intensive land use on the remainder of the parcel. The small agricultural parcels allowed by the SAG-5 would preserve significant areas of open space and generally not differ from current densities and land uses along Coverdell Road. Coverdell Road is paved, an additional 40 vehicle trips per day is not significant a significant increase. The Bigfork Water and Sewer District has an eighth inch sewer main adjoining the property and an eight inch water main. Five acre parcels generally do not utilize public facilities, but other uses permitted or conditional could utilize the public facilities.

Goal G.24 Encourage development to use appropriate practices to preserve water quality, especially where affected by street runoff and septic systems, prevent erosion, control weeds and promote safety in timbered areas. The area is not within a area mapped as Wildfire Urban Interface and is not timbered. A slightly more intensive development pattern on 21 acres will not decrease safety. Adherence to the development standards of the zoning will promote safety. The area is not within an area having high ground water, flood plain, steep slopes or erodible soils. Limited development would not impact the water quality or promote erosion. Flathead County has a weed control ordinance which requires land owners to abate noxious weeds. Adherence to the current County Ordinances will encourage weed control and minimize erosion.

2. Is the proposed amendment designed to:

- a. Secure safety from fire and other dangers. *The site is vegetated with secondary grasses naturally occurring after farming has ceased. The area is not within any wildfire hazard area. Other dangers can occur from steep slopes, flood plains or other similar natural features. None of these are present on the property. Development of the property inaccordance with the requirements of the County Development Code and County Ordinances would ensure security from fire and other dangers.*
- b. Promote public health, public safety and the general welfare. *The property is currently zoned AG-40 and is a single parcel. Rezoning to AG-20 and SAG-5 could result in the creation of up to four new parcels. Each could be developed, but only in compliance with the Flathead County Development Code. The subdivision process, contained in the Flathead County Development Code, would address in detail the health, safety and general welfare of the proposal.*



- c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements. *The addition of possibly four new tracts with residences would increase traffic on Coverdell Road by 40 vehicle trips per day. Current average daily traffic is 264 vehicle trips per day. Coverdell Road is a local street and currently operating with significant reserve capacity. The possible addition of 40 vehicle trips per day would not impact Coverdell Road. Any interior roads would be subject to the design and construction requirements of the County Standards, which would assure their adequacy. All new approaches to Coverdell Road would be permitted by the Road and Bridge Department, an assurance of adequate safety of traffic flow. Water and sewerage is available from the Water and Sewer District from mains along Coverdell Road. Any additional lot creation would be subject to review and approved by the Bigfork Water and Sewer District and Montana Department of Environmental Quality, which assures the adequacy of the facilities. The property is located in the Bigfork School District. An SAG-5 zone could possibly increase the number of residents in the District by 10, of which 2 could be children, based on a two parent family. If the age distribution is even, then Bigfork District could expect up to two new students. There is adequate capacity in the High School District. Further evaluation would occur as a part of any subdivision process. Five acre parcels are not required to provide park land. The limited the area of disturbance of up to four residences on 21 acres would maintain open space.*

3. Does the proposed amendment consider:

- a. The reasonable provision of adequate light and air? *The nature of the surrounding area is evolving from larger agricultural tracts to suburban agricultural. There are approximately 21 parcels adjoining or nearby the subject property with lot sizes of five acres or less. The amendment would allow a minimum lot size of five acres, a size consistent with the area. Reasonable provision of light and air is based on density, the possible density is consistent with the area and as a result would ensure adequate provision of light and air.*
- b. The effect on motorized and non motorized transportation systems? *The possible addition of 40 vehicle trips per day is a very small amount in comparison to the capacity of Coverdell Road, effect will be minimal. Sight distance along the lot frontage is excellent. The approach onto Highway 35 is stop controlled. Impact on traffic safety should be minimal. There are currently no walk ways or designated accesses for pedestrians. During the subdivision review process provision of pedestrian or bike paths would be considered.*
- c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around the municipalities? *The 41 acres under consideration is not near a municipal boundary. AG-40 to AG-20 and SAG-5 are not urban density zones.*
- d. The character of the district and its peculiar suitability for the particular uses?



The primary difference between the AG-40 and AG-20/ SAG-5 is lot size. AG-40 has 19 permitted uses, while the AG-20 has 19 and SAG-5 is limited to 13 permitted uses. AG-40 permits cellular towers, dairy products, bottling and distribution, fish hatcheries, kennels, ranch employee housing and stables, riding academies, rodeo arenas. The land and location do not appear conducive to these uses. In fact the site and surrounding uses are more supportive of the AG-20 and SAG-5 zone and associated permitted uses.

- e. *Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area? The area is developing with more residential homes on small acreages. Placing four more lots which could have residences in an area with similar patterns could relieve development pressure on productive lands in other areas and thereby preserve their function.*

